

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Nigel Clarke	Erection of 3 residential dwellings Land Between The Croft And Hopwood Garden Centre, Ash Lane, Alvechurch, Worcestershire, B48 7TT	29.12.2017	17/01191/FUL

Councillor Hotham has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **Granted**

Consultations

Alvechurch Parish Council

Object to the proposal

This proposal is in the green belt and no exceptional circumstances have been demonstrated to warrant development on this site. APC do not consider this to be infill. APC's emerging Alvechurch Parish Neighbourhood Plan seeks to protect village envelopes and the green belt. This site, if granted consent, would set a dangerous precedent in the Parish.

Further comments were received following re consultation.

After further consideration APC felt their previous comments still stand - Objections; this proposal is outside of the Hopwood village envelope in the green belt and no exceptional circumstances have been demonstrated to warrant development on this site. In particular APC do not consider this to be infill. APC's emerging Alvechurch Parish Neighbourhood Plan seeks to protect village envelopes and the green belt, in support of the Bromsgrove District Plan as adopted in 2017. This site, if granted consent, would overturn important and current policy and strategic considerations and set a dangerous precedent in the Parish.

Even though this proposal relates to smaller size properties than the original, APC felt that it did not change their opinion. Given the review of the District Plan just underway, with the associated examination of the green belt and the issue of Bromsgrove's response to the Hearn Report on Greater Birmingham's housing need, this proposal now is even more untimely and inappropriate.

Highway Engineers - Bromsgrove

No objections subject to conditions.

1. Vehicular viability splays

2. Development shall not be brought into use until access, turning and parking facilities has been provided
3. Parking for 2 cars
4. 1 electric charging point per dwelling

NWWM

No objection to the proposed development subject to conditions regarding:

1. Foul and surface water drainage

Arboricultural Officer

No objections subject to mitigation replanting.

Worcestershire Wildlife Trust

No Comments Received To Date.

Western Power Distribution

No Comments Received To Date.

Publicity

A total of 11 letters were sent on 27th November 2017 to neighbours, which expired on 18th December 2017.

One site notice was posted opposite the site on 20th December 2017, which expired on 10 January 2018.

One press notice was published on 8th December 2017, which expired on 22nd December 2017.

In terms of the revisions to the application, a total of 15 letters were sent to neighbours and contributors on the 21st May 2018, which expired on 11th June 2018.

One site notice was posted opposite the site on 21st May 2018, which expired on 12 June 2018.

One press notice was published on 22nd May 2018, which expired on 15th June 2018.

Public Comments

Due to amendments to the scheme, two consultation exercises have been undertaken. 12 objections from 9 residents are summarised as follows:-

- Setting a precedent
- Lack of facilities in Hopwood
- Flooding and drainage

- Highway safety and traffic generation
- Pedestrian safety due to lack of footpath
- Disruption due to the construction phase
- Loss of wildlife habitats if trees and ancient hedge are destroyed
- Green belt development and no exceptional circumstance have been demonstrated
- Inappropriate development
- Loss of light to Ash Cottage and neighbouring properties
- Design of dwellings
- Overlooking and loss of privacy

Hopwood Residents Association object to the application as it contravenes BDP 1.4f, BDP 2.1, BDP 2.3, BDP4 & BDP 4.4 and BDP 9. It is contrary to emerging Alvechurch Parish Neighbourhood Plan, APNP Policy 2 and APNP 3. It is also contrary to Green Belt Policy as outlined in the NPPF.

Hopwood Residents Association reiterated their objections to the amended scheme. They concluded that this application, though amended, shows no regard either to the submitted Neighbourhood Plan or displays any special circumstances or acceptable reasons as to why it should be allowed to contravene existing Local or National Green Belt policies.

Councillor Hotham

The site is in Green Belt and outside the village envelope. The proposed development would therefore be in conflict with the BDC plan.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Development
BDP4 Green Belt
BDP7 Housing Mix and Density
BDP19 High Quality Design
BDP22 Climate Change

Others

NPPF National Planning Policy Framework
SPG1 Residential Design Guide

Relevant Planning History

No relevant planning history

Assessment of Proposal

Site

This site is a vacant plot of land which is located on the northern side of Ash Lane in Hopwood. The site forms part of a larger parcel of land that is located between a row of dwellings and Hopwood garden centre.

The land here is characterised by a substantive hedgerow with grass and self-set trees and bushes along the front of the site (adjacent to Ash Lane). There is no pavement on either side of the road in this location and the verges are green.

Currently there is an access to the land at the rear of the site which appears to be maintained. The site has power cables located at the front (via single post) and one double post carrying power cables within the site perimeter. The land here is fairly level.

The land is not within the village envelope of Hopwood and is in Green Belt.

Proposed Development

This particular proposal seeks permission for the construction of 3 detached dwellings.

Green Belt

The construction of new buildings in the Green Belt is considered inappropriate development and inappropriate development is by definition harmful. The harm is afforded substantial weight in this case.

The Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the Framework gives one of these exceptions as:

“Limited infilling in villages...” (bullet point 5);

In this case Hopwood is identified as a Green Belt settlement in Policy BDP2 (Settlement Hierarchy) of the District Plan and under the exceptions of the NPPF (para 89) and policy BDP4 (Green Belt) of the District plan, the principle of limited infilling in villages may be considered an exception to this.

In this particular instance the development as proposed is to be provided in a gap/ space between two areas of development with the garden centre to one side and the linear line of dwellings to the other. It is within a clearly identifiable frontage of buildings.

Whilst it is acknowledged that there is a Draft Alvechurch Parish Plan, the Plan is not adopted and as such does not have any significant weight in this particular case. Whilst the concerns of the Parish Council do clearly reflect the concerns/issues of infill development, the Framework in paragraph 89 makes it fundamentally clear that infill in villages is acceptable as it makes no specific reference to development having to be inside a village envelope.

The proposal would constitute limited infilling in a village and would therefore not be inappropriate development within the Green Belt. There is no need to consider an assessment of the development upon the openness of the Green Belt, as the development is not inappropriate under bullet point 5 and the provisions of part (g) of Policy BDP4.

Access/Highways

The development is proposed with two access points one to serve plot 1 and 2 and a further access to plot 3. Here the lane is naturally narrower and traffic should be abiding within the 30mph zone. Worcestershire Highways have no objections subject to the imposition of suitably worded conditions to ensure adequate visibility is maintained given the lack of footpaths in this area and the provision for turning and electric charging points per plot.

Design and Appearance

The development consists of 3 detached dwellings facing onto Ash Lane. They maintain a frontage to Ash lane similar to the other houses along this lane.

The design of the properties has been amended to address concerns of your officers over the height of the dwellings combined with the garaging to the front which originally appeared far too dominate being forward of the natural building line in the lane.

The new houses are now half rendered and reflect the more traditional two storey height and proportion of the other houses in the lane.

Trees

It is acknowledged that trees/hedgerow do help soften and add to the overall character of the location.

A tree survey has been completed as part of the submission. No major feature trees are located on the site and the report indicates that the trees on the site as poor quality and do not represent trees that are worthy of individual protection.

The Council's arboricultural officer has considered the proposal and has no adverse comments to make in terms of the long term preservation of the trees on the site. The officer considers that mitigation replanting is appropriate for one tree in each rear garden.

Ecology

The application is supported by a Preliminary Ecological Appraisal which considers the presence of protected species on the site, the habitats which are likely to support such species and the presence of any other ecological features.

The assessment makes a number of recommendations in relation to the redevelopment of the site. The recommendations are matters that can be reasonably controlled by condition. An update will be provided in relation to the ecological response.

Amenity

The properties are located at an adequate distance apart from the nearest house (space and access to field beyond separate them) and this ensures there would be no direct overlooking or loss of amenity in this context. There are only obscured windows facing the nearest house (The Croft) which ensure that amenity levels are maintained. There are no amenity issues to the rear or to the existing garden centre to the other side. The houses are designed to ensure they do not overlook each other or in fact create any loss of amenity to each other. Given this, the development is considered acceptable in terms of policy BDP19 and the guidance contained in SPG1.

Conclusion

The proposed development is not inappropriate in the Green Belt due to its compliance with paragraph 89 of the NPPF and part (g) of Policy BDP4. There are no other technical issues that have been raised which would result in a recommendation for refusal and is therefore recommended for approval.

RECOMMENDATION: That planning permission be granted subject to the following conditions:

Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

1005.01A
1005.02C
1005.03C
1005.04C

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) No development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: This is a prior commencement conditions given local drainage issue in order to ensure drainage has been considered and flood risk to the development and surrounding area is not increased.

- 5) Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and in accordance with National Planning Policy Framework.

- 6) The Development hereby approved shall not be occupied until the access, turning area and parking facilities shown on Drawing 1005 03C has been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 7) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 2 cars per dwelling at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 8) The Development hereby permitted shall not be first occupied until one of the proposed parking spaces at each dwelling has been fitted with an electric vehicle charging point. Thereafter the charging point shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

- 9) The applicant shall provide a hard and soft landscaping plan for approval. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area and in accordance with Policy BDP19 of the Bromsgrove District Plan.

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